

**IN THE UNITED STATES PATENT & TRADEMARK OFFICE**

Applicants: Jeffrey S. Swayze et al. : Paper No:  
Serial No. : Group Art Unit:  
Filed: : Examiner:  
For: SURGICAL STAPLING INSTRUMENT INCORPORATING A FIRING  
MECHANISM HAVING A LINKED RACK TRANSMISSION

**INFORMATION DISCLOSURE STATEMENT**

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In accordance with 37 C.F.R. §§ 1.97 and 1.98, Applicants herewith submit certain patent references which the Patent and Trademark Office may wish to consider in examining the above-identified application. The references are provided below, and are also listed on the attached Form PTO-1449.

Pursuant to the waiver published in the Pre-OG Notice, dated July 11, 2003, no copies are provided herewith of U.S. patents cited. Copies of foreign patents and non-patent literature are provided herewith. No representation is made or intended that a prior art search has been made or that no better art than the listed is available. It is respectfully requested that the information be considered by the Examiner and made of record in the present application.

"Express Mail" Mailing Label Number:

EV 311436470 US

Date of Deposit: September 29, 2003

I hereby certify that this paper or fee is being deposited in the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and is addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Matthew G. Burgan

Typed or Printed Name of Person Signing

  
Signature

Respectfully submitted,

Jeffrey S. Swayze et al.



David E. Franklin

Registration No. 39,194

FROST BROWN TODD LLC  
2200 PNC Center  
201 East Fifth Street  
Cincinnati, Ohio 45202-4182  
Telephone (513) 651-6856

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)***Complete if Known**

Application N .	
Filing Date	
First Named Inventor	SWAYZE, Jeffrey S. et al.
Art Unit	
Examiner Name	

Sheet	1	of	2	Attorney Docket No.	END5130-0517372
-------	---	----	---	---------------------	-----------------

**U.S. PATENT DOCUMENTS**

Examiner initials	Cite No.	DOCUMENT NUMBER		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind code <sup>2</sup> (if known)				
		US-	448,194	03-17-1891	Balbin	
		US-	804,229	11-14-1905	Hutchinson	
		US-	1,944,166	01-16-1934	Stratman	
		US-	2,883,984	04-28-1959	Candido, Jr. et al.	
		US-	3,269,630	08-30-1966	Fleisher	
		US-	3,661,187	05-09-1972	Caveney et al.	
		US-	3,837,555	09-24-1974	Green	
		US-	3,949,924	04-13-1976	Green	
		US-	3,955,581	05-11-1976	Spasiano et al.	
		US-	4,154,239	05-15-1979	Turley	
		US-	4,276,878	07-07-1981	Storz	
		US-	4,580,712	04-08-1986	Green	
		US-	4,589,870	05-20-1986	Citrin et al.	
		US-	Re. 32,214	07-22-1986	Schramm	
		US-	4,606,343	08-19-1986	Conta et al.	
		US-	4,664,305	05-12-1987	Blake, III et al.	
		US-	4,671,278	06-19-1987	Chin	
		US-	4,869,415	09-26-1989	Fox	
		US-	4,976,686	12-11-1990	Ball et al.	
		US-	5,040,715	08-20-1991	Green et al.	
		US-	5,307,976	05-03-1994	Olson et al.	
		US-	5,314,424	05-24-1994	Nicholas	
		US-	5,376,095	12-27-1994	Ortiz	
		US-	5,413,267	05-09-1995	Solyntjes et al.	
		US-	5,467,911	11-21-1995	Tsuruta et al.	
		US-	5,509,596	04-23-1996	Green et al.	
		US-	5,573,541	11-12-1996	Green et al.	
		US-	5,579,978	12-03-1996	Green et al.	
		US-	5,706,997	01-13-1998	Green et al.	
		US-	5,706,998	01-13-1998	Plyley et al.	
		US-	5,728,108	03-17-1998	Griffiths et al.	
		US-	5,730,740	03-24-1998	Wales et al.	
		US-	5,735,874	04-07-1998	Measamer et al.	

EXAMINER SIGNATURE \_\_\_\_\_

DATE CONSIDERED \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT***(use as many sheets as necessary)***Complete if Known**

Application No.

Filing Date

First Named Inventor

Art Unit

Examiner Name

SWAYZE, Jeffrey S. et al.

Sheet

2

of

2

Attorney Docket No.

END5130-0517372

	US-	5,735,445	04-07-1998	Vidal et al.	
	US-	5,762,256	06-09-1998	Mastri et al.	
	US-	5,782,396	07-21-1998	Mastri et al.	
	US-	5,782,396	07-21-1998	Mastri et al.	
	US-	5,855,311	01-05-1999	Hamblin et al.	
	US-	5,865,361	02-02-1999	Milliman et al.	
	US-	5,893,506	04-13-1999	Powell	
	US-	5,894,979	04-20-1999	Powell	
	US-	5,976,160	11-02-1999	Crainich	
	US-	6,032,849	03-07-2000	Mastri et al.	
	US-	6,079,606	06-27-2000	Milliman et al.	
	US-	6,120,526	09-19-2000	Daley	
	US-	6,241,139	06-05-2001	Milliman et al.	
	US-	6,330,965	12-18-2001	Milliman et al.	
	US-	6,330,965	12-18-2001	Milliman et al.	
	US-	2002/0117533	08-29-2002	Milliman et al.	
	US-				

**FOREIGN PATENT DOCUMENTS**

Examiner initials	Cite No.	Foreign Patent Document Country Code <sup>3</sup> -Number <sup>4</sup> -Kind code <sup>5</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		EP 0 070 230 A1	07-06-1982	Tractel S.A.		Abstract
		WO 99/15086	04-01-1999	U.S. Surgical Corp.		

**OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS**

Examiner initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published	T <sup>6</sup>

CinLibrary/1331001.1

EXAMINER SIGNATURE \_\_\_\_\_

DATE CONSIDERED \_\_\_\_\_

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>3</sup> Enter office that issued the document, by the two-letter code (WIPO Standard ST. 3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.